Office Supreme Court U.S.
FILED
MAY 13 1901
JAMES H. McKENNEY,
Clerk.

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c/c 4 Orig. "
" Bill &c.
Supp.

Supreme Court of the United States.

Filed May 13, 1901.

IN EQUITY.

OCTOBER TERM, 1900.

THE STATE OF MISSOURI, *Complainant,* *vs.* THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, *Defendants.*		No. 5, ORIGINAL.

SUPPLEMENTAL BILL AND MOTION FOR LEAVE TO FILE SAME.

E. C. CROW,
Attorney General of Missouri.

B. SCHNURMACHER,
Of Counsel.

WOODWARD & TIERNAN PRINTING CO., ST. LOUIS.

IN THE

Supreme Court of the United States.

IN EQUITY.

THE STATE OF MISSOURI,
Complainant,
vs.
THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO,
Defendants.

No. 5, ORIGINAL.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BILL.

To the Honorable, the Chief Justice of the United States, and the Associate Justices of the Supreme Court of the United States:

The State of Missouri, complainant in the above entitled cause, by Edward C. Crow, its Attorney General, and B. Schnurmacher, its counsel, respectfully represents that since the filing of the original bill herein, on the 17th day of January, 1900, the defendants have opened and put in operation the channel referred to and described in said bill of complaint, the opening and

operation of which was sought to be enjoined by this proceeding, and have since said 17th day of January, 1900, been doing the things against which complaint is made in said bill.

That defendants have also, since the filing of said bill, diminished the dilution of the sewage transmitted through said channel from a flow of 20,000 cubic feet per minute for each 100,000 inhabitants of the Sanitary District of Chicago, to not exceeding 10,000 cubic feet per minute for each such number of inhabitants.

To the end that the matters so occurring since the filing of said bill may be made to appear herein, complainant moves and prays the Court to permit it to file the accompanying Supplemental Bill, and to make a rule upon the defendants to plead thereto.

E. C. CROW,
Attorney General of Missouri.

B. SCHNURMACHER,
Of Counsel.

IN THE

Supreme Court of the United States.

IN EQUITY.

THE STATE OF MISSOURI,
Complainant,
vs.
THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO,
Defendants.

SUPPLEMENTAL BILL.

To the Honorable, the Chief Justice of the United States, and the Associate Justices of the Supreme Court of the United States:

Your orator respectfully complains and says that heretofore, to-wit, on the 17th day of January, 1900, your orator filed in this Honorable Court, at the present term thereof, its original bill of complaint against the State of Illinois and the Sanitary District of Chicago, in which bill of complaint your orator did show and make it appear that the defendants, having constructed an artificial channel or open drain from the west fork of the south branch of the Chicago River in

the City of Chicago and County of Cook, in the State of Illinois, to a point near Lockport, in the County of Cook in said State, where said channel or drain connects with and empties into the Desplaines River, which empties into the Illinois River, and which latter flows and empties into the Mississippi River at a point distant about 43 miles above the City of St. Louis, in the State of Missouri, did on said 17th day of January, 1900, threaten and propose to receive into said channel or drain the sewage matter and filth of said Sanitary District of Chicago, and did threaten and propose to permit and to cause the said sewage and filth to flow through said channel towards and into the Desplaines River and eventually into the Mississippi River, and thereby, as is charged in said original bill of complaint, to pollute the water of said Mississippi River to the injury of the complainant and its inhabitants, destroying said water for primary uses, and rendering it unfit for drinking and for domestic purposes; and your orator did thereupon pray that defendants, and each of them, and their officers, agents, employes and servants, might be enjoined from permitting or causing any of said sewage to be so discharged into said channel or drain, and from permitting or causing the same thence to flow into said Desplaines River, and that defendant, the State of Illinois, might be enjoined from issuing to defendant, the Sanitary District of Chicago, permission or authority to do and perform said acts, or to allow the same to be done or performed.

Complainant further states and shows that thereupon a subpoena was issued out of this court, directed to the said defendants, and they were duly served with said process to appear, and that defendants, and each of them, did accordingly appear and put in their demurrers to said original bill of complaint, which demurrers hav-

ing been duly argued and heard by the court, were, on the 28th day of January, 1901, by the court overruled. Thereupon said defendants did file their answers to said bill of complaint.

And your orator further complains and shows that notwithstanding the filing of said original bill of complaint herein, on the 17th day of January, 1900, the defendants on said day did proceed to open the said channel or ditch, and did permit and cause the sewage, filth and other noxious matters of the Sanitary District of Chicago to flow therein, and thence into the Desplaines River, all as it is charged in the bill of complaint, defendants proposed and intended to do, and that they have ever since said 17th day of January, 1900, permitted and caused the said sewage, filth and noxious matters to flow into and through said channel and thence into said Desplaines River, and that that which your orator did in its bill complain and charge would result, has in point of fact resulted and ensued, in this, that the said sewage, filth and noxious matters thus transmitted into said channel, and permitted and caused to flow through the same and into said Desplaines River, have polluted the water of the Mississippi River along the borders of your orator, and have destroyed the value of the same for primary purposes and uses, and for drinking and domestic purposes, and have caused and are causing much sickness to persons living along the banks of said river in the State of your orator, and will continue to do so unless said acts of the defendants are restrained and enjoined by this court in conformity with the prayer of the original bill.

And your orator further shows and represents that whereas under the act of the General Assembly of the State of Illinois authorizing the construction and operation of said channel, it was required that said sewage

and filth be diluted with not less than 20,000 cubic feet of water per minute for each 100,000 inhabitants of said Sanitary District, the defendant, the Sanitary District of Chicago, has not at any time since the opening and operation of said channel furnished such an amount of water dilution; and that since the 20th day of April, 1901, said defendant, acting under orders of the Secretary of War, has reduced such dilution to not exceeding 200,000 cubic feet of water per minute in the aggregate, or about 10,000 cubic feet for each 100,000 inhabitants of its district, and proposes hereafter to limit the maximum dilution to that amount.

To the end, therefore, that the matters and things aforesaid, so occurring since the filing of the original bill, may be considered by this court, and that your orator may have the benefit thereof herein, your orator prays that the defendants, and each of them, may by rule of this Honorable Court be required to answer or otherwise plead to this Supplemental Bill, and for such other and further relief in the premises as may be meet and proper.

E. C. CROW,
Attorney General of Missouri.

B. SCHNURMACHER,
Of Counsel.

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c/c 45 Orig.

Office Supreme Court U. S.
FILED
MAY 13 1901
JAMES H. McKENNEY,
Clerk.

Application IN THE

Supreme Court of the United States.

Filed May 13, 1901.

IN EQUITY.

OCTOBER TERM, 1900.

THE STATE OF MISSOURI, *Complainant,*		
vs.		No. 5,
THE STATE OF ILLINOIS, AND THE SANITARY DISTRICT OF CHICAGO, *Defendants.*		ORIGINAL.

REPLICATION.

EDWARD C. CROW,
Attorney General of Missouri.

B. SCHNURMACHER,
Of Counsel.

WOODWARD & TIERNAN PRINTING CO., ST. LOUIS.

IN THE

Supreme Court of the United States.

IN EQUITY.

THE STATE OF MISSOURI,
Complainant,
vs.
THE STATE OF ILLINOIS, AND THE SANITARY DISTRICT OF CHICAGO,
Defendants.

No. 5, ORIGINAL.

REPLICATION.

The repliant, the State of Missouri, saving and reserving to itself all and all manner of advantage of exception which may be had and taken to the many manifold errors, uncertainties and insufficiencies of the answers and amended answers of the defendants herein, for replication thereunto says that it does and will aver, maintain and prove its said bill and its supplemental bill to be true, certain and sufficient in the law to be answered unto by the said defendants, and each of them; and that the said answers of said

defendants, and each of them, are very uncertain, evasive and insufficient in law to be replied unto by this repliant; without that, that any other matter or thing in the said answers, or any or either of them, contained, material or effectual in the law to be replied unto, confessed or avoided, traversed or denied, is true.

All of which matters and things this repliant is ready to aver, maintain and prove, as this Honorable Court may direct, and respectfully prays as in its said bill and supplemental bill it has already prayed.

EDWARD C. CROW,
Attorney General of Missouri.

B. SCHNURMACHER,
Of Counsel.